

# **EXHIBIT 185**

# **REDACTED**

Case #: L-74982 Suspected Drug Loss System ID:78495

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**INCIDENT REPORT****INCIDENT INFORMATION**

<b>Case Number:</b>	L-74982	<b>Total Case Value:</b>	\$18,778.00
<b>Incident Type</b>	Suspected Drug Loss	<b>Method of Discovery</b>	Exception Reports
<b>Incident Date:</b>	10/1/2010	<b>Action:</b>	Employment Termination
<b>Day of Week:</b>	Tuesday	<b>Assigned To:</b>	JESSE ROSE
<b>Case Initiated Date</b>		<b>Case Owner:</b>	JESSE ROSE
<b>Day of Week:</b>	Tuesday	<b>Time Out:</b>	
<b>Stage:</b>			
<b>Store</b>	04764		
<b>Store:</b>	RITE AID-8085 BROADVIE		
<b>Store Location:</b>	8085 BROADVIEW ROAD BROADVIEW HEIGHTS, OH 441471203		
<b>Restitution:</b>	No		

Synopsis:

**SUSPECT #1 INFORMATION (L-74982)**

<b>Employee ID:</b>		<b>Date of Birth:</b>	████████
<b>Last Name:</b>	KINS	<b>SSN</b>	████████
<b>First Name:</b>	BRIAN	<b>Sex:</b>	
<b>Middle Initial:</b>		<b>Height:</b>	
<b>Address:</b>	████████████████	<b>Hair Color:</b>	0
<b>City/State/Zip</b>	██████████	<b>Eye Color:</b>	0
<b>Phone Number:</b>	████████	<b>Adult/Juv:</b>	
<b>Alternate Phone:</b>		<b>Status:</b>	
<b>Age:</b>	0	<b>Department:</b>	
<b>Identification:</b>			
<b>ID Number:</b>	0		
<b>ID State:</b>			
<b>Account #:</b>			
<b>Employee Status:</b>			
<b>Date of Hire:</b>			
<b>Termination Date:</b>			
<b>Position:</b>			
<b>Email Address:</b>			

**INTERVIEW INFO**

<b>Interviewed By:</b>		<b>Location of Incident (i.e. Aisle 3 or Razor Section or Cosmetic Aisle)</b>
<b>Interview Start:</b>		
<b>Interview End:</b>		
<b>Interview Location:</b>		
<b>Interviewed By:</b>		
<b>Anyone Injured:</b>	No	
<b>Was Retail 20.20 Used?:</b>	No	

**VIDEO/CCTV INFORMATION**

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Incident Recorded No  
 CCTV Date/Time:  
 Camera #:  
 CCTV System:  
 Video Name/Position N/A  
 CCTV Comments:

DVR #:  
 Register #:  
 Archive location:  
 Actual time in archive:  
 Length of footage:

**LOSS ITEMS**

Date of Loss	Type	Description	UPC	Dept Code	Rec	Dmg	Qty	Price	Total Price
3/23/2012	Merch	Controlled			No	No	1	\$18,778.00	\$18,778.00
								<b>CASE TOTAL:</b>	<b>\$18,778.00</b>

**Evidence Info:**

Evidence Info:

**PERSON(S) INVOLVED**

Name	Address	Home Phone	Work Phone	Sex	Date of Birth	Role in Incident	Emp #	Witness Notes
Duval, Ryan						Reporter		
Rose, Jesse						Investigator		
KINS, BRIAN								

**COURT**

Court Date	Court Room	Court Location	Subjects Plea	Penalty	Case Disposition
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**REPORT NARRATIVE**

Ryan Duval: 10/01/2010 10:45:14 - A Suspected Loss Form was submitted for Store 4764 by the PDM on 9/20/10. As of today there has not been a case opened in Navicase. As a result I have opened a pending Rx case in Navicase for you to respond to. Please Partner with your PDM and enter the information regarding the loss including as many details on the loss and/or your investigation as soon as possible. JESSE ROSE: 10/01/2010 12:03:41 - An investigation into the suspected drug loss at store 4764 was opened. This case will supersede the previous inventory investigation at store 4764. Case number 70371, open date 04/26/10. On 09/16/10 I was contacted by PDM Barney Renard. Barney stated that he was currently at store 4764 and that he felt that the pharmacy manager Brian Kins was impaired. Barney asked if I could come to the store and provide a second opinion. I arrived at the store around 3pm, at which time I entered the pharmacy. I observed Brian standing in the pharmacy with, what appeared to be a hamburger and fries, one in each hand. Brian dropped a piece of the sandwich and bent down to pick it up, at which time he stumbled slightly. Brian's speech seemed to be slurred and his pupils dilated. Barney and I met in the stores stock room to discuss the matter. We both agreed that Brian was impaired. The store manager Don Carr was also in the stock room and was going to the pharmacy to fax some papers, at which time he was asked to assess Brian. Don returned and stated that he seemed to be impaired. Prior to me arriving, Barney had contacted human resource manager Eric Hanson. Eric had fax to Barney a check list of the things we had observed. Barney went back to the pharmacy to ask Brian to come to the stock room, so that we could speak with him. While Barney was in the pharmacy Don told me that prior to Barney arriving at the store, that Brian had been in his car for 20 minutes, leaving the pharmacy unattended, except for 3 technicians. Brian came to the stock room. I asked Brian did he understand Rite Aid's policy on being impaired while on duty, he replied yes. Barney then told him that we all agreed that he was impaired and that he would have to be taken for a drug and alcohol test. Brian said that he was not impaired and that he would take the test. Brian and Barney went back to the pharmacy to get some of Brian's things. Barney returned stating that Brian now refused to take the test. Barney stated that Brian had told him that he had smoked marijuana a few weeks ago while on his honeymoon. I told Barney to bring Brian back to the stock room. Once in the stock room, I asked Brian why he decided to take the test, he replied that he had been smoking marijuana a few weeks earlier. At this time I told Brian that by refusing the test, we would have to place him under suspension and that we would call the police if he tried to drive his car. Brian understood and asked if one of the technicians drive him home. We agreed. The next day Barney went into the store to do a preliminary count of all control drugs, Barney found discrepancies in several drugs such as Oxycodone 40, 60, and 80 mg. tables. Hydrocodones and



Subxon. Barney contacted Janet Hart and requested a DUR report covering the last two May 1st inventories. Barney then filed a suspect controlled substance loss on 09/18/10. On 09/20/10, Barney was given word to follow up with termination of Brian Kins. Barney gave the state board of pharmacy all of the information. Both Barney and state board agents could not get in touch with Brian over the next couple of days. Finally the state board got in touch with Brian and set up an interview and drug test. At this time we were not made aware of the outcome of the interview or drug test. JESSE ROSE. BACK IN OCTOBER OF 2010, PHARMACY MANAGER BRIAN KINS WAS SUSPENDED FOR REFUSING TO TAKE A DRUG TEST. BRIAN APPEARED TO BE IMPAIRED. WHEN ASKED TO SUBMIT TO A DRUG TEST, BRIAN REPLIED THAT HE HAD SMOKED MARIJUANA TWO WEEKS EARLIER. : 05/11/2011 16:46:00 - JESSE ROSE: 08/15/2011 18:30:47 - Continued up date for 4764, termination of Pharmacist Brian Kins On 10/14/10 Barney completed a complete accountability and reconciliation of the DUR report for the past two May 1st inventories, and files the report of theft loss 106 forms. The total loss of controlled substance was \$16,916.60, (The actual 106 is attached). On 10/22/10 I was notified by Barney that the state board agent Lynn Mudra was back in the store 4764 on 10/21/10 and again was presently there today on 10/22/10. Barney stated that Lynn spent a total of one and half hours in the pharmacy on 10/21/10, and gave the pharmacy a pink sheet for having multiple CII on one script. Staff pharmacist Jessica Vadivia was on duty. Barney stated that Lynn then went to store 7774, in which Brian Kins wife Rebecca Kins is the pharmacy manager. Rebecca was not on duty during Lynn's visit. Staff pharmacist Charles Humphrey was on duty. Lynn stay for about twenty minutes looking over script, then left. Later That evening Jessica contacted Barney and gave her two weeks notice. Barney asked Jessica to meet him on 10/22/10 to discuss why and what was said during Lynn's visit. During today's inspection of 4764, by Lynn and fellow state board agent Jim Rye, the two board agents were going through the CII control cabinet. The new pharmacy manager Julianna Leay was on duty. Barney called the pharmacy and spoke with Jim, as to why they were back; Barney was told it was a follow up on some CII scripts and if there was any improvement from there last visit. Jim told Barney that there was no improvement and that the CII files were a mess, and that Barney had 72 hour to get it strait. Barney told Jim that he has tried to cooperate in every with him and the state board, but feels like he is being persecuted. Around 12:30pm on 10/22/10, Barney met with staff pharmacist Jesseica to discuss her notice. During the meeting Barney ask Jessica if the state board had anything to do with her decision. Jessica replied no, that it was because retail pharmacy is not what she wants to do. Barney accepted her resignation. JESSE ROSE: 08/15/2011 18:34:37 - The root cause to 4764 pharmacy shrink was due to drug theft in the pharmacy. Back in October of 2010, pharmacy manager Brian Kins was suspended for refusing to take a drug test. Brian appeared to be impaired. When asked to submit to a drug test, Brian replied that he had smoked marijuana two weeks earlier. The Ohio State Board of Pharmacy was contacted. Hair follicle samples subsequently given to Board agents for analysis indicated the presence of alprazolam, cocaine, hydrocodone, oxycodone and oxymorphone. Brian admitted to Board agents that he was addicted to controlled substances; that he had stolen controlled substances from Rite Aid, for personal abuse and that he altered prescription to obtain control substances for abuse and to sell. All altered prescription and forged prescriptions were subject to reverse billing. The root cause to 4764 pharmacy shrink was due to drug theft in the pharmacy. Back in October of 2010, pharmacy manager Brian Kins was suspended for refusing to take a drug test. Brian appeared to be impaired. When asked to submit to a drug test, Brian replied that he had smoked marijuana two weeks earlier. The Ohio State Board of Pharmacy was contacted. Hair follicle samples subsequently given to Board agents for analysis indicated the presence of alprazolam, cocaine, hydrocodone, oxycodone and oxymorphone. Brian admitted to Board agents that he was addicted to controlled substances; that he had stolen controlled substances from Rite Aid, for personal abuse and that he altered prescription to obtain control substances for abuse and to sell. All altered prescription and forged prescriptions were subject to reverse billing. The LPDM will interview the remaining pharmacy staff that was present during pharmacy manager Brian Kin's employment. LPDM will conduct a profit enhancement meet will all new members of the pharmacy and set out guild lines and expectation going forward. PDM and LPDM will contact Ohio State Board of Pharmacy to see if Brian admitted to a dollar amount involving the theft of drugs. LPDM will follow up with prosecution.

Investigator Signature: \_\_\_\_\_

Date Signed: \_\_\_\_/\_\_\_\_/\_\_\_\_

LP Manager Signature: \_\_\_\_\_

Date Signed: \_\_\_\_/\_\_\_\_/\_\_\_\_